



DEPARTMENT OF THE ARMY
UNITED STATES ARMY GARRISON ANSBACH
UNIT 28614
APO AE 09177

AETV-WG-A

30 July 2004

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Policy #42, Early Return of Dependent Requests

1. REFERENCES:

- a. Joint Federal Travel Regulation (JFTR), Paragraph U5240
- b. AR 55-46, Travel Overseas, Chapter 5, 20 June 1994
- c. USAREUR Supplement 1 to AR 55-46, Travel Overseas, 28 December 1998
- d. USAREUR 27-9, Misconduct by Civilians, 27 October 2003
- e. AR 614-30, Overseas Service, 30 August 2001
- f. AR 600-8-11, Reassignment, 10 October 1990

2. PURPOSE: To provide and clarify procedures for requesting and processing Early Return of Dependents (ERODs) and Command Directed ERODs when directed by the Civilian Misconduct Actions Authority (CMAA).

3. SCOPE: This procedure is applicable to all personnel submitting requests to the Commander, 235th Base Support Battalion.

4. DEFINITION: Early Return of Dependents (EROD): Transportation of command sponsored dependent(s) back to the U.S. or home of record in advance of the Soldier's permanent change of station (PCS). Privately owned vehicle (POV) and/or household goods (HHG) can be returned to the family member's designated location in conjunction with the request of an EROD. Early return of POV and HHG can only be submitted in conjunction with an EROD. Approving authorities must carefully evaluate each case and determine whether the early return of the family members is in the best interest of the government, the Soldier, and the family. Reason for Early Return of Dependent are:

- a. Voluntary:

1. Marital Difficulties. Supporting documentation is a statement from a “professional” (Social Worker, Chaplain, legal separation agreement, etc). The approving authority for this action is CDR, 235th BSB, ATTN: S-1, per JFTR Para U5240-D.
2. For all other cases, refer to Supplement 1 to AR 55-46, paragraph 5-9: unavailable medical treatment or when sponsor is discharged/ sentenced to confinement. Needs document from “professional” supporting reason for return. The approving authority is CDR, 235th BSB, ATTN: S-1, per JFTR, Para U5240-D.

NOTE: When an Early Return of Dependents After the Fact is found on a valid reason with supporting documents, the sponsor can request reimbursement for travel only if tickets are purchased for SATO at the government rate. Provide a copy of ticket or the travel itinerary to Finance. The BSB Commander is the only approval authority for after the fact reimbursements (UR Supp. 1 to AR 55-46).

b. Involuntary:

1. Embarrassment to Command. The BSB/ASG Commander can send family members back to the U.S. due to misconduct. This action is command directed. The approval authority for this action is CDR, 98th ASG ATTN: Civilian Misconduct Office, per JFTR Para U5240-B; USAREUR Reg 27-9 dated Apr 94.
2. In the case of death, serious illness, or incapacitation of a family member, ordinarily caring for a members minor family member requires in the opinion of the approving authority those minor dependents to be transported to a place where assistance will be provided per JFTR, U5240-D2 (e). Reimbursement can be authorized.

5. DISCUSSION: It must be shown that transportation of the dependents is in the best interest of the government. Transportation of dependents may be provided only when it is determined that a valid need for the dependents to move exists. EROD requests must show that the problem or situation occurred after arrival at the overseas permanent duty station and cannot be resolved at the current duty station. Verification of the situation is required to safe guard the interests of the government. Recommendations from religious, mental health, financial management, family counseling or legal agencies are mandatory. If the member’s situation does not meet these criteria, the request will be denied and picked up without action. ERODs should be applied judiciously, making it a remedy of the last resort.

- a. **USAREUR supplements to AR 55-46 specifically states BSBs are not authorized to process requests for EROD because of Soldier’s deployment or in lieu of a family care plan.**

b. Travel of dependents at personal expense under the following situations is not authorized reimbursement if (without legal review):

- (1.) After PCS orders are issued
- (2.) Before approval of and EROD
- (3.) When dependency does not exist as of the effective date of the PCS orders
- (4.) Dependents are not command sponsored

c. Dependents who are returned in advance to a designated location may not be later moved at government expense until the Soldier is ordered to PCS from the overseas permanent duty station or serves an in-place consecutive overseas tour (IPCOT).

d. Dependents who receive an approved early return may begin travel before PCS orders are issued. The EROD approval expires after 90 days, as do the orders.

e. A Soldier may return his dependents to the overseas permanent duty station at personal expense. Those dependents may be command sponsored if the Soldier has 24 months remaining on the overseas tour after approval of command sponsorship. They may travel at government expense during the next PCS. Command sponsorship will not be approved if a Soldier has received assignment instructions.

6. PROCEDURES: All requests for early return of dependents require:

a. DA Form 4187 - At a minimum, DA Form 4187 must have the mandatory information shown on the sample (Encl. 1) Specific reason for the request will be stated on DA form 4187. Requests will be signed and dated by the Soldier and the Company Commander. DA form 4187 will state if the Soldier refused to sign. All information requested is deemed necessary to facilitate both the BSB and C Det., 510th PSB personnel reading the request for required information to publish orders.

b. Supporting Documents – Soldiers requesting EROD action should include with their requests supporting memorandums, supporting the basis for their request. Supporting documents may be submitted from the following sources:

- (1) Servicing Chaplain (or family clergy)
- (2) Social Work Services (financial/marriage/family counselors)
- (3) Youth Services Counselor
- (4) Family Physician
- (5) Civilian Personnel Assistance Center (CPAC)
- (6) Staff Judge Advocate Office

(7) School/ DoDDS Officials

- c. Soldiers' ERB/ORB
- d. Orders.
- e. Forward the request with supporting documentation through the Soldier's chain of command to the 235th BSB S-1. Supporting documents and reason must match.
- f. EROD requests will be submitted through Soldier's chain-of-command. The company commander's recommendation, the battalion commanders' endorsement, and all required enclosures are mandatory **before** forwarding to the BSB S-1 section.
- g. Requesting unit's S-1 section will deliver the EROD packet to the BSB S-1 section, which is located on Barton Barracks, building 5253. EROD PACKETS WILL NOT BE ACCEPTED DIRECTLY FROM SOLDIER OR SPOUSE.
- h. BSB Command Group will review the EROD packet, and the BSB Commander will either approve/disapprove the request.
- i. Approved packets will be hand carried to the 510th PSB, Det C, Personnel Actions, for publishing of the orders. Personnel Actions 510th PSB, is located on Barton Barracks in building 5254, 2nd floor.
- j. Requests not meeting these standards will be returned to the originating unit with a cover sheet indicating the reason why this request is returned without action. Disapproved packets will be picked up without action.

NOTE: *If a dependent child was born overseas, a Counselor Report of Birth Abroad (FS Form 240) must be submitted with the request, which may be obtained from the 510th PSB.*

7. CIRCUMSTANCES: The BSB Commander is the approving authority for early return dependents under the following circumstances:

- a. Medical treatment of dependent family members when medical treatment is not available at the medical Permanent Duty Station or readily available in the theater. The dependent's request must include a statement by the attending physician, indicating that the treatment is essential to the well being of the dependent patient. **All documentation to validate the medical condition will be enclosed.**

b. When, in the opinion of the authorizing or approving authority, death, serious illness, or incapacitation of a dependent normally caring for the soldier's minor dependents requires that such dependents be transported to a place where proper care may be maintained. **Enclosures will include a memorandum from the authorizing authority to verify the situation.**

c. Lack of adequate education facilities or housing for dependents when supported by a statement of the authorizing official that the inadequacy of educational facilities or housing must have been caused by conditions beyond the dependent's control and knowledge of those conditions arose after dependents began to travel to the sponsor's overseas PDS. **The EROD request will also include a memorandum from an education and/or housing officials to verify the situation.**

NOTE: *This item may not be used to authorize transportation of student dependents to CONUS for the purpose of attending school- (See AR 55-46, Chapter 4 for Dependent Student Travel; 1st PERSCOM is the approving authority)*

d. When determined that the best interest of the soldier or the dependents and the Government will be served by the transportation of one or more dependents for compelling personal reasons, such as financial difficulties, marital difficulties, unforeseen family problems, death or serious illness of close relatives, or for reasons of a humanitarian or compassionate nature, and in other situations which have an adverse effect on the soldier's performance of duty. **Supporting documents will be provided to justify the EROD request.**

e. Lack of acceptable employment opportunities for dependent children aged 18 years or older at the PDS outside the U.S. To meet this condition, a determination must be made by the commanding officer of the activity concerned that: (a) because of the lack of employment at the PDS and the resulting idleness, the dependent child (children) are likely to become involved in situations creating embarrassment to the United States which place additional administrative burdens on the commanding officer or have adverse effects on the soldier's performance of duty; and (b) such early return is in the best interest of the soldier or dependents and the United States. **Enclosures will also include proof of lack of employment from ACS family member employment services, youth services, servicing chaplain and/or social work services.** Include any information from ACMAA that relates to unemployment.

f. When a Soldier is: (a) Sentenced by court-martial to be confined or to receive a punitive discharge (that is a bad conduct discharge, dishonorable discharge, or dismissal); (b) Sentenced to confinement in a foreign or U.S. civil confinement facility; (c) Discharged outside CONUS under other than honorable conditions; (d) Returned to CONUS for discharge under other than honorable conditions; (e) Returned to CONUS to serve a sentence of confinement in civil or military

confinement facilities; (f) Serving outside CONUS and is dropped from rolls, sent to prison under sentence, or transferred as a prisoner to a place of detention; (g) Serving outside CONUS and is transferred to a different ship or station to await trial by court-martial as a deserter or straggler; (h) Discharged under other than honorable conditions after surrendering to military authorities in CONUS following a period of absence without leave from the PDS outside CONUS; or is convicted by court-martial and placed on leave involuntarily while awaiting compelling or appellate review. **A signed and dated endorsement from the Soldier's Battalion Commander must be included. Additional enclosures will also establish and verify the soldier's situation.**

g. The BSB commander will not make any decision that may affect the possession of marital or jointly owned property or custody of dependent children if either of these issues is in dispute. In the absence of a valid court order or fully compelled, properly executed agreement signed by a military sponsor and his spouse, consolation must be made by the Office of the Staff Judge Advocate (OSJA) in such cases. The following are offered as examples:

- (1) The Soldier's command learns that a Soldier/sponsor objects to the return (pursuant to EROD/POV orders) of jointly owned property. In such instance, the command element shall promptly consult with the OSJA, but not attorneys acting in the capacity of personal legal assistance attorneys. The BSB S-1 section and the 510th PSB must also be alerted of this to prevent issuance of orders allowing the disputed property to be shipped at government expense and/or with government assistance.
- (2) The soldier's command learns that a Soldier/sponsor objects to the return (pursuant to EROD orders) of a child. There is no court order or completed agreement between the parties specifying who shall have physical custody of the child. In such instance, the command element shall promptly consult with OSJA, but not attorneys acting in the capacity of the personal legal assistance attorneys. The BSB S-1 section and 510th PSB must also be alerted to this dispute prior to issuance of orders allowing the child to be transported at government expense and/or with government assistance. A current Legal Separation Agreement or Written Confirmation from the SJA office that an agreement will be drafted is sufficient document alone.

NOTE: *Early Return of Dependents entitled the Soldier to an additional entitlement. For example: A soldier's early returns family members and household goods to California. Twelve months later the Soldiers PCS's from Germany to Fort Drum, NY. The soldier is now authorized to move the family and household goods from California to New York. The Early Return can double the cost of a PCS move; therefore, Early Return of family members I will approve as a LAST RESORT when all else fails and there are no other courses of action to be taken within the command.*

8. CIVILIAN MISCONDUCT: The 98th ASG Commander is the directing authority for ERODs as a result of civilian misconduct. The unit is responsible for providing a DA Form 4187 indicating CMAA Command Directed Early Return of Family Member.

- a. Command directed ERODs at company level, the first O-6 in the soldier's chain-of-command must state so and the reason in either an endorsement or a memorandum format, and must be IAW the JFTR.
- b. Command Directed EROD will include, at a minimum, the following enclosures:
 - (1) DA Form 4187 (does not have to be endorsed by the Soldier's BN CDR).
 - (2) Enclosures from 235th BSB's CMAA
 - (3) Proof of command sponsorship
 - (4) ERB/ ORB.

9. Request this information be disseminated to your lowest organizational level.

10. POC is the BSB S-1 NCOIC at DSN 468-7736/7730 or CIV 0981-183-7736/7730

Encl
DA Form 4187 (SAMPLE)

JOHN G. REILLY
LTC, SF
Commanding

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